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## FACSIMILE TRANSMISSION

Total # of Pages 10 (including this page)

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Examiner Thaian N. Ton, Group Art Unit 1632 United States Patent and Trademark Office	(571) 272-0736	(703) 872-9306

**From :** Steven C. Koerber, Ph. D., Patent Agent  
  
**Email Address :** skoerber@foley.com  
**Sender's Direct Dial :** 858.847.6725  
**Date :** April 27, 2005  
**Client/Matter No :** 073442-0301  
**User ID No :**

## MESSAGE:

Re: United States Patent Application No. 09/675,509

Following are:

- 1) Amendment Transmittal (3 pgs.)
- 2) Response to Notice of Non-Compliant Amendment Under 37 CFR 1.121 (6 pgs.)

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Mercedes F. "Ched" Dipasupil
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Atty. Dkt. No. 073442-0301

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chandler Fulton, et al.

Title: THIAMINASES AND THIAMINASE GENES FOR USE IN APOPTOTIC THERAPIES

Appl. No.: 09/675,509

Filing Date: 09/29/2000

Examiner: T. Ton

Art Unit: 1632

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I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.

Mercedes F. Dipasupil  
(Printed Name)

Mercedes F. Dipasupil  
(Signature)

April 27, 2005  
(Date of Deposit)

AMENDMENT TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	18	-	31	= 0	x \$50.00 = \$0.00
Independent Claims:	7	-	7	= 0	x \$200.00 = \$0.00
				First presentation of any Multiple Dependent Claims: +	\$360.00 = \$0.00
				CLAIMS FEE TOTAL =	\$0.00

In re application of  
Chandler Fulton et al.  
Application No.: 09/675,509  
Page 2 of 3

Atty. Dkt. No. 073442-0301

[ ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$120.00	\$0.00
[ ] Extension for response filed within the second month:	\$450.00	\$0.00
[ ] Extension for response filed within the third month:	\$1,020.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,590.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
[ ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
[ X ] Small Entity Fees Apply (subtract 1/2 of above):		\$0.00
TOTAL FEE:		\$0.00

[ ] Please charge Deposit Account No. 50-0872 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

[ ] A check in the amount of \$0.00 is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

In re application of  
Chandler Fulton et al.  
Application No.: 09/675,509  
Page 3 of 3

Atty. Dkt. No. 073442-0301

Please direct all correspondence to the undersigned attorney or agent at the address  
indicated below.

Respectfully submitted,

By Steven C. Koerber

Date April 27, 2005

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Attorney for Applicant  
Registration No. 32,327

Atty. Dkt. No. 073442-0301

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Chandler Fulton, et al.

Title: THIAMINASES AND  
THIAMINASE GENES FOR USE  
IN APOPTOTIC THERAPIES

Appl. No.: 09/675,509

Filing Date: 9/29/2000

Examiner: T. Ton

Art Unit: 1632

Conf. No.: 1879

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<i>Mercedes F. Dipasupil</i> (Printed Name)	
<i>Mercedes F. Dipasupil</i> (Signature)	
April 27, 2005 (Date of Deposit)	

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 CFR 1.121**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Notice of Non-Compliant Amendment dated April 19, 2005, concerning the above-referenced patent application.

Applicant has enclosed a complete listing of all of the claims.

The Listing of Claims begins on page 2 of this document.